



DEPARTMENT OF TRANSPORTATION
HAZARDOUS MATERIALS REGULATIONS BOARD
WASHINGTON, D.C. 20590

**Hazardous Materials Regulations
Board**

[49 CFR Part 173]

[Docket No. HM-15; Notice No. 69-3]

**TRANSPORTATION OF HAZARDOUS
MATERIALS**

Notice of Proposed Rule Making

The purpose of this notice is to request public comment on a proposed amendment to § 173.306 of the Hazardous Materials Regulations (49 CFR 170-189) to eliminate § 173.306(a) (3) (iv). This subparagraph now provides that the flammable contents of inside nonrefillable metal cans charged with solutions of compressed gas or gases must not have a flash point of less than 20° F. in order to be eligible for shipment under the exemption provisions of this section. A petitioner, Chemical Specialties Manufacturing Association, has indicated that the deletion of the subparagraph would have the effect of allowing the "exempt shipment" of aerosol products which are flammable without regard to flash point, but still under all of the other restrictions, such as use of metal cans only, 50-cubic-inch size limit, pressure limit of contents in relation to can strength, adequate head space, and a test to 130° F. of each complete can filled for shipment. In support of its petition, the Association states that * * * "a test of flash point is not a proper test to be applied to a compressed gas including aerosol products, which are formulated products under pressure, usually with a liquefied gas in solution with the other ingredients."

Petitioner further points out that over a period of time numerous special permits have been issued by the Department authorizing the shipment of large quantities of aerosol products having flash points lower than 20° F. and that these shipments have been entirely successful. In requesting a change in the regulations, petitioner stated that in view of the re-

maining requirements in the regulations as listed above, it saw no need for incorporating either specification container requirements or weight limitations such as were included in the experimental special permits.

The Board believes that there is merit in the petitioner's proposal and that adoption of this change would not adversely affect safety.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before April 15, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831-835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657) and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430 and 1472(h)).

Issued in Washington, D.C., on March 7, 1969.

SAM SCHNEIDER,
*Board Member, for the
Federal Aviation Administration.*

J. B. McCARTY, Jr.,
*Capt. U.S.C.G., by direction of
Commandant, U.S. Coast Guard*

JOHN R. JAMIESON,
*Administrator,
Federal Highway Administration.*

JAMES H. MACANANNY,
*Acting Administrator,
Federal Railroad Administration.*

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